



DISABILITY AND COMMUNICATION ACCESS BOARD

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February 17, 2022

TESTIMONY TO THE HOUSE COMMITTEES ON HEALTH, HUMAN SERVICES AND HOMELESSNESS, AND HIGHER EDUCATION AND TECHNOLOGY

House Bill 1419 – Relating to Electronic Information Technology Accessibility

The Disability and Communication Access Board (DCAB) supports House Bill 1419. This bill would require the Office of Enterprise Technology Services, in consultation with the Disability and Communication Access Board and a working group comprising of stakeholders, to develop, publish and periodically update electronic information technology disability access standards to be implemented by state entities.

The DCAB recommends removing the definitions of “accessibility” and “individuals with disabilities” as it is defined in federal laws for state compliance.

DCAB thanks the Legislature for bringing attention to the need for the State to develop a Hawaii Electronic Information Technology Disability Access Standards.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Kristine Pagano
for KIRBY L. SHAW
Executive Director

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 17, 2022

The Honorable Representative Ryan I. Yamane, Chair
House Committee on Health, Human Services, & Homelessness
The Honorable Representative Takayama, Chair
House Committee on Higher Education & Technology
The Thirty-First Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Yamane, Representative Takayama, and Committee Members:

SUBJECT: HB1419 Relating to Broadband Service Infrastructure

The Hawaii State Council on Developmental Disabilities supports the intent of **HB1419**, which requires the office of enterprise technology services to develop, publish, and periodically update electronic information technology disability access standards to be implemented by state entities.

The intellectual/developmental disability community uses a wide range of accessible technologies to access electronic information. The Council appreciates this measure as it seeks to include our disability community's need to access technology and participate in state programs and services.

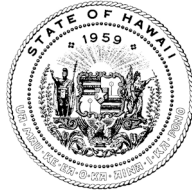
For recommendations, the Council defers to and supports the Disability and Communication Access Board's testimony on HB1419.

Thank you for the opportunity to submit testimony in supporting the intent of **HB1419**.

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



OFFICE OF ENTERPRISE TECHNOLOGY SERVICES

P.O. BOX 119, HONOLULU, HI 96810-0119
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ETS.HAWAII.GOV

Testimony of
DOUGLAS MURDOCK
Chief Information Officer
Enterprise Technology Services

Before the
HOUSE ON HIGHER EDUCATION & TECHNOLOGY
Thursday, February 17, 2022

HOUSE BILL NO. 1419
RELATING TO INFORMATION TECHNOLOGY SERVICES

Dear Chair Takayama, Vice Chair Clark, and members of the committee,

The Office of Enterprise Technology Services (ETS) does not support this bill and provides comments on this bill which would require ETS to develop electronic information technology disability access standards.

First, the objective of this bill is already within the purview of the Disability and Communications Access Board (DCAB) as set forth in HRS Section 348F-3. The DCAB has the existing authority to:

“(3) Establish guidelines for the utilization of communication access services provided for persons who are deaf, hard-of-hearing, or deaf-blind in state programs and activities.”

“(5) Serve as public advocate of persons with disabilities by providing advice and recommendations on matters relating to access for persons with disabilities, with emphasis on legislative matters, administrative rules, policies, and procedures of the state and county governments;

(6) Review and assess the problems and needs relating to access for persons with disabilities in the State in order to provide recommendations in the improvement of laws and services;

(7) Serve as the designated state agency to coordinate the efforts of the State to comply with the requirements of the Americans with Disabilities Act for access to services, employment, telecommunications, and facility and site design;

(8) Provide technical assistance and guidance to, but not limited to, state and county entities in order to meet the requirements of state, federal, and county laws providing for access for persons with disabilities through public education programs and other voluntary compliance efforts;”

This statute would create conflicting authority between DCAB and ETS. If there is a carve-out of authority for matters shifted to ETS in this bill, HRS §348F may need to be amended.

Second, DCAB has state-wide jurisdiction already, including jurisdiction to assist the counties. The counties are represented on the board. ETS is generally limited to Executive Branch matters and is not staffed or funded to work outside the Executive Branch.

ETS has published standards for accessibility for use in the Executive Branch and we have purchased tools to assist with and measure compliance. Extending our responsibility outside the Executive Branch would require additional resources in terms of money and personnel.

ETS has the technical expertise to support the standards and we are happy to support DCAB in this effort to the extent our current resources allow.

Thank you for the opportunity to provide testimony on this measure.

NATIONAL FEDERATION OF THE BLIND OF HAWAII

Testimony before the HHH/HET committees

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022

February 17, 2022, 11:00 AM, hearing on HB1419

Good morning chairs, vice chairs, and members. I am James Gashel, representing the National Federation of the Blind (NFB) of Hawaii, fully supporting HB1419.

Before I get to the meat of this testimony, NFB of Hawaii wants to give special thanks to Representative Takayama and the twenty-five representatives in all who have joined in introducing HB1419. We thank you for your support and understanding.

The advent of the information age is rapidly replacing conventional printed communications with use of electronic information technology in employment, education, and receipt of services. State entities have needs and responsibilities to provide everyone with equal and convenient access to communications relating to programs they conduct. Examples include both dissemination of information as well as completion and submission of electronic forms online, whether by employees or the public.

Access for people with disabilities is possible but too often not considered as new technologies are designed and deployed. Great strides have been made to create accessible technology tools. These tools include screen readers able to report words on a computer screen by voice or Braille output for people who are blind, and sign language interpretation or captioning of audio presentations for people who are deaf.

State entities are embracing the Information Age with new workplace technologies and online services. Wise use of information technology can have enormous advantages when it is well designed and accessible. We use the term “accessible” in this context to mean the technology is disability barrier free, and, in that respect, we find the current performance of state entities to be uneven.

Ready access to and use of electronic information technology is essential for all citizens to participate equally in all state programs and services, and to receive and enjoy the benefits of the state’s programs and services, which must by law be equally available without regard to disability. Cost-effective techniques and products exist to make modern communications technology accessible to individuals with disabilities by proactively addressing accessibility at the time of planning, design, development, and procurement of electronic information

technology.

Recognizing this, the purpose of this bill is to require the office of enterprise technology services to develop electronic information technology disability access standards. The point of this bill is standards. Disability access to electronic information technology just won't happen without standards.

As far as access is concerned, existing law is very clear on this. People with disabilities are supposed to have access to information and services that is equivalent to access provided to persons without disabilities. The goal of equivalent disability access is well known but far less often achieved. The reason is lack of clearly applicable standards to guide design, procurement, and deployment. Equivalent disability access must become part of the product specifications. That's the point of this bill.

Please note especially the requirements that the new "Hawaii Electronic Information Technology Disability Access Standards" shall:

- “(1) Be consistent with standards issued by the United States Access Board in the implementation of section 508 of the Rehabilitation Act of 1973, as amended.
- (2) Be consistent with the web content accessibility guidelines of the W3C Web Accessibility Initiative; and
- (3) Apply to electronic information technology developed or procured by a state entity, or to substantial modifications made to electronic information technology by a state entity.”

The federal law known as section 508 requires information technology purchased by federal agencies to meet accessible use standards at the time the technology is purchased and not at some later date in response to a problem arising from lack of access. On its face, section 508 does not have technical applicability to state entities. More law is needed. By adopting this proactive approach with specific disability access standards applicable to state entities, Hawaii will join the mainstream of states now looking to the federal section 508 standards as an achievable accessibility blueprint.

More than just a blueprint, the section 508 federal standards are well known in the information technology industry. They first took effect in 2001 and were last revised in January 2017. With this history we can be confident that our agencies will have the support they need to lead our state to become a model.

It's one thing to talk about disability access barriers in the abstract but quite another thing to

experience these barriers for yourself. Try to navigate the Hawaii Safe Travel program with a screen reader. Not showing our aloha, that's for sure. Can it be done? Partly yes, and partly no. Being required to sign your name in a box somewhere on a computer screen you can't see is only one of several barriers. I'm sure we can do better.

HB1419 holds promise that we will do better. Section 1 declares: "... equal access to electronic information technology is essential for all citizens to participate and benefit equally in all programs and services. Electronic information technology developed, purchased, or provided by the State should be equally accessible to and usable by individuals with disabilities."

In passing this bill the legislature will be making a powerful statement on behalf of equal rights and equal opportunity. HB1419 is a technology bill for sure, but for blind people, this is an essential twenty-first century civil rights bill. it will also become an important key to independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and understanding why we need it passed into law.

HB-1419

Submitted on: 2/15/2022 12:39:37 PM

Testimony for HHH on 2/17/2022 11:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stan Young	Hawaii State committee of Blind Vendors	Support	No

Comments:

Testimony of (insert your name here)

before the HHH/HET committees

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2022 February 17, 2022, 11:00 AM, hearing on HB1419

Good morning chairs, vice chairs, and members. I am Stan You, Chairperson, Hawaii State Committee of Blind Vendors), fully supporting HB1419.

The information age is rapidly replacing conventional printed communications with use of electronic information technology in employment, education, and receipt of services. State entities have needs and responsibilities to provide everyone with equal and convenient access to communications relating to programs they conduct. Examples include both dissemination of information as well as completion and submission of electronic forms online, whether by employees or the public.

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independence and equality for people with disabilities in our state.

Mahalo for hearing this bill and understanding why we need it passed into law.

Brandon G. Young

Testimony of Brandon Young before the Committee on Health, Human Services, and Homelessness (HHH) as well as Higher Education
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
February 17, 2022, 3:10 PM, hearing on HB1419

Good morning Mr. chairman,

My name is Brandon Young and I am a member of the National Federation of the Blind of Hawaii. I am in strong support of the passage of this bill. I would hope that your committees would pass this bill to help many of us who are blind or visually impaired in Hawaii. This bill if enacted, would create regulations to make all electronic documents and websites accessible for those who are blind or visually impaired in Hawaii. As someone who currently uses a screen reader to operate my computer, there are currently many electronic documents and websites that are not accessible for me to use to access the many areas of our state government.

An example of inaccessibility is with the Capitol website. For many years, I have advocated at the State Legislature. During this time, I have to navigate a mostly inaccessible Capitol website. It seemed as if only the Corona Virus Pandemic caused the website to be more accessible for myself as a blind user. The website is useable now with a screen reader, but is not perfect. Another example is the website with the University of Hawaii at Manoa. Each page of the Manoa website is managed by a different department and the level of accessibility is determined by who manages that particular department.

When this bill is passed, it will create a governing standard to make electronic documents and websites in Hawaii accessible for those who are blind or visually impaired. I want to thank you for taking your time in scheduling our bill for a hearing. This matter is very important for our group and I wish that it be passed out of your committee. Mr. vice chair,

PETER L. FRITZ
T-Mobile Relay: 808-568-0077

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS
COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY

Testimony on H.B.1419
Hearing: Tuesday, February 17, 2022

RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY

Chairs Yamane and Takayama, Vice Chairs Tam and Clark, and members of the Committees, my name is Peter Fritz. I am an individual with a disability, hard of hearing (HOH), an attorney, an advocate for the disabled, former member and chair of the Disability and Communication Access Board and Rehabilitation Advisory Committee, and advise nonprofits that provide services to the disabled community.

I am testifying in support of creating a workgroup to develop statewide to standards for Information and Communication Technology (ICT).

This bill requires the Office of Enterprise Technology Services (ETS) to develop, publish, and periodically update electronic information technology disability access standards to be implemented by state entities.

Workgroup Members

The Chief Information Officer (CIO) should lead the workgroup. Hawaii Revised Statute §27-43(c)(3) provides that the CIO “shall: . . . Develop and implement statewide technology standards”. The CIO already has the authority to develop and implement these standards. A workgroup would provide input from stakeholders.

Necessary workgroup members should include the State Procurement Office (SPO) and the Office of Information practices. The SPO should be a member of the workgroup as its knowledge is necessary for the development language for RFP. The OIP should be a member of the workgroup because it can help develop standards to ensure that remote/online meetings are transparent and accessible for individuals with disabilities.

Accessibility Standards

Currently Section 508 standards govern any purchase that uses Rehabilitation Act Section 504 funds. The University of Hawaii uses Section 508 standards when purchasing ICT. See Exhibit 1. Using Section 508 standards has the advantage of a body of case law to interpret the purchase. Any standards adopted by the state of Hawaii could only be stricter than the Section 508 standards for the purchase of ICT using federal funds. A table listing the states that have adopted Section 508 standards is attached as Exhibit 2.

In addition, industry groups have developed templates and tools to produce reports to evaluate

the accessibility of ICT using Section 508 standards. For example, a Voluntary Product Template (VPAT) was developed by trade groups to facilitate the evaluation of the accessibility of ICT. The University of Hawaii's procurement standards include a recommendation to request a VPAT and other language that should be included in an RFP to purchase ICT.

New York developed its own standards for the purchase of ICT. When reading these standards, it becomes evident that New York is using the Section 508 standards and relies on Section 508 tools such as the VPAT to evaluate the accessibility of purchases. See Exhibit 3.

It Is Not Necessary To Amend The HRS.

Because the HRS currently requires the CIO to develop and implement statewide technology standards, amendment of the HRS is not necessary to provide such authority.

If the Committee decides to amend the HRS, I respectfully submit that the bill should be amended to use the standard terms in Section 508. Vendors are familiar with the Section 508 terms and these standards are used by tools used to evaluate accessibility. The use of industry standard terms facilitates the procurement process.

For example, the definition of "Electronic Information Technology" at Page 5, lines 20-21 and page 6, lines 1-6 does not conform the Section 508. This definition could be replaced by the term Information and Communications Technology. (ICT) as it is used in Section 508. This is the language from Section 508

Information and Communication Technology (ICT). Information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include, but are not limited to: Computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and, electronic documents.

Alternative definitions, referring to the CFR and the USC, were used by New York:

Information Communication Technology Shall have the same meaning as set forth in 36 C.F.R. Appendix A to Part 1194, information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content.

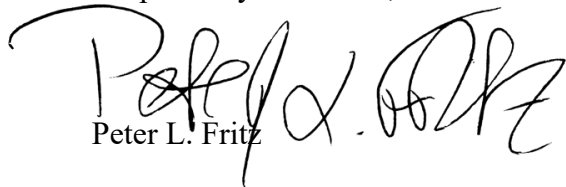
Information Technology Shall have the same meaning as set forth in 40 U.S.C. § 11101(6): (A) any equipment or interconnected system or subsystem of

equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by a State Entity, if the equipment is used by the State Entity directly or is used by a contractor under a contract with the State Entity that requires the use (i) of that equipment; or (ii) of that equipment to a significant extent in the performance of a service or the furnishing of a product; (B) includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but (C) does not include any equipment acquired by a State contractor incidental to a State contract.

Hawaii Should Not Amend The HRS To Use W3C Standards

Incorporating a specific reference to the web standards would require that the HRS be amended when new standards are issued. Web accessibility standards should be incorporated into any standards issued by the CIO or used by Section 508.

Respectfully submitted,


Peter L. Fritz

1

Standard

<https://www.hawaii.edu/access/uh-guidelines-for-accessibility/#ict>

The applicable guidance is the World Wide Web standards defined in the Federal Rehabilitation Act [Section 508](#), specifically subsections 1194.22 and subsection 1194.31. Section 508 is the standard for federal government websites and technology. UH looks to this standard for reliable guidance on meeting accessibility commitments and compliance.

This standard was recently refreshed to include Web Content Accessibility Guidelines (WCAG), a globally recognized voluntary consensus standard for web content and information communication technology created by the World Wide Web Consortium (W3C). The WCAG 2.0 Level AA standard and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content, shall be used to measure accessibility and functionality of on-line content.

WCAG provides recommendations for content accessibility. It is, however, no substitute for human decision making that would produce better outcomes. The university's primary obligation is to ensure a high quality user experience for all users, including those with disabilities.

Procurement of Accessible ICT Products or Services

The university is committed to purchasing, using, maintaining and implementing the most accessible solutions possible. It is unacceptable to use emerging technology without requiring this technology be accessible to all. To help ensure the university meets this goal, faculty and staff who have the ability to purchase, the responsibility to influence or make decisions on products to purchase must consider ICT access as one of the criteria for acquisition. This is critical for enterprise-level systems and other technologies that affect a large number of students, employees and/or the public.

- Ask the vendor to provide information about the accessibility of the products or services. They may already have a Voluntary Product Accessibility Template (VPAT), which will give you information about the product's accessibility. However, simply obtaining a VPAT is not a guarantee.
- Ask the vendor to demonstrate the accessibility of the products or services.
- Have an ICT accessibility expert review and evaluate ICT accessibility requirements and expectations with the selected supplier before purchase.
- Include accessibility assurances in contracts with vendors.

2

State laws and policies for ICT accessibility

The most commonly referenced standards are Section 508 and the W3C's Web Content Accessibility Guidelines. The table below provides and indicates whether policies are in place for websites. It also indicates what standards the web policies are based on.

State	Has Web Site Policy?	Based on...
Alabama	Yes	Section 508
Alaska	Yes	Section 508, WCAG 2.0
Arizona	Yes ¹	A.R.S. § 41-3504(A (1(a)))
Arkansas	Yes	Section 508
California	Yes	Section 508, WCAG 1.0 AA
Colorado	Yes	Section 508
Connecticut	Yes	WCAG 1.0 A
Delaware	No	
District of Columbia	Yes	Section 508
Florida	Yes	Section 508
Georgia	Yes	WCAG 1.0
Hawaii	Yes	Section 508
Idaho	Yes	Section 508
Illinois	Yes	Section 508, WCAG 1.0
Indiana	Yes	Section 508
Iowa	Yes	WCAG 2.0 AA
Kansas	Yes	Section 508, WCAG 2.0 AA
Kentucky	Yes	Section 508, WCAG 1.0 AA
Louisiana	No	Encouraged to meet Section 508
Maine	Yes	Section 508, WCAG 1.0, WCAG 2.0
Maryland	Yes ¹	Section 508
Massachusetts	Yes	Section 508
Michigan	Yes	Section 508
Minnesota	Yes ¹	Section 508, WCAG 2.0
Mississippi	Yes	WCAG 1.0
Missouri	Yes	Section 508
Montana	Yes ¹	Section 508
Nebraska	Yes	Section 508
Nevada	No	
New Hampshire	Yes	Section 508
New Jersey	Yes	Section 508
New Mexico	Yes	WCAG 1.0 AA

3



New York State Information Technology Policy	No: NYS-P08-005
IT Policy: Accessibility of Information Communication Technology	Updated: 07/17/2019
	Issued By: NYS Office of Information Technology Services Owner: WebNY Enterprise Platform Service Bureau

1.0 Purpose and Benefits

This Policy is based on the requirements of Section 508 of the Rehabilitation Act of 1973, as amended (“Section 508” or “Revised Section 508”) and mandates that State Entities “develop, procure, maintain, or use” Information and Communication Technology (“ICT”) in a manner that ensures State employees with disabilities have comparable access to, and use of, such information and data relative to other State employees, unless doing so would impose an undue burden on a State Entity. Further, pursuant to Section 508, State Entities must ensure that members of the public with disabilities have comparable access to publicly available information and services unless doing so would impose an undue burden on the agency.

This policy establishes minimum accessibility requirements to ensure that ICT developed, procured, maintained or used by State Entities is accessible to people with disabilities. ICT is defined as information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples of ICT include but are not limited to: computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and, electronic documents. This policy revision supersedes all prior revisions to NYS-P08-005. This policy is intended to facilitate the full and complete use of State applications, websites, and other digital interfaces by the public and State employees.

2.0 Authority

Section 103(10) of the State Technology Law provides the NYS Office of Information Technology Services (“ITS”) with the authority to establish statewide technology policies, including technology and security standards. Section 2 of Executive Order No. 117 provides the State Chief Information Officer with the authority to oversee, direct and coordinate the establishment of information technology policies, protocols and standards for State government, including hardware, software, security, and business re-engineering. Details regarding this authority can be found in ITS Policy, [NYS-P08-002 Authority to Establish State Enterprise Information Technology \(IT\) Policy, Standards and Guidelines.](#)

3.0 Scope

This standard applies to all “State Entities” (SE), defined as “State Government” entities as defined in Executive Order 117, established January 2002, or “State Agencies” as defined in Section 101 of the State Technology Law. This includes employees and all third parties (such as local governments, consultants, vendors, and contractors) that use or access any IT resource for which the SE has administrative responsibility, including systems managed or hosted by third parties on behalf of the SE. While an SE may adopt a different standard, it must include the requirements set forth in this one.

This Policy is based on Section 508 and the Web Content Accessibility Guidelines (“WCAG”) 2.0 A and AA guidelines. ITS reserves the right to modify, supplement, or otherwise revise, rescind or archive this policy as new Section 508 standards take effect.

4.0 Information Statement

Pursuant to Section 508, content made available by an agency to members of the general public (“public facing content”) shall be accessible. Further, electronic content that is not public facing but is official business communicated through one of the following nine categories must also be made accessible: 1) an emergency notification; 2) an initial or final decision adjudicating an administrative claim or proceeding; 3) an internal or external program or policy announcement; 4) a notice of benefits, program eligibility, employment opportunity, or personnel action; 5) a formal acknowledgment of receipt; 6) a survey or questionnaire; 7) a template or form; 8) educational or training materials; and 9) intranet content designed as a web page.

Moreover, the State shall make best efforts to conform its newly created ICT and public facing content to Federal WCAG 2.0 A and AA guidelines, which provide recommendations for making Web content even more accessible. States are not mandated to comply with Federal WCAG 2.0 guidelines. However, voluntarily following

these guidelines for newly created content and platforms could make NYS ICT more accessible to individuals with a wider range of disabilities (including blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity, and combinations of these).

Ensuring Compliance

To assure compliance with the requirements of Section 508 and this policy, State Entities should:

- Conduct manual testing of ICT before production use, prior to any fundamental alterations, and biennial thereafter through use of specialized software or services. In accordance with New York State Finance Law §§ 162 and 163, State Entities are encouraged to utilize Preferred Source offerings to obtain Digital Accessibility and Usability Testing and Remediation Reporting Services. For more information see <https://ogs.ny.gov/procurement/list-preferred-source-offerings>.
- Maintain documented testing reports for each ICT until the next automated and manual testing is completed.
- Keep a list of ICTs and the current compliance status of each.
- Clearly post an “accessibility” link on the agency Home Page footer. The linked page should specify whom to contact with questions about the site’s accessibility and the accessibility of any other ICT under the control of the agency.

Third Party Web-based Information and Application Development

All solicitation documents, contracts and any amendments executed by State Entities containing a scope of work requiring development, procurement, and/or maintenance of ICT shall include the following clause:

Any network-based information and applications development, or programming delivered to or by the State pursuant to this contract or procurement, will comply with Section 508 of the Rehabilitation Act of 1973, as amended, and be consistent with New York State Enterprise IT Policy NYS-P08-005, Accessibility of Information Communication Technology, as such policy may be amended, modified or superseded (the “Accessibility Policy”). The Accessibility Policy requires that State Entity Information Communication Technology shall be accessible to persons with disabilities as determined by accessibility compliance testing. Such accessibility compliance testing will be conducted by (State Entity name, contractor or other) and any report on the results of such testing must be satisfactory to (State Entity name).

Exemptions

A. Existing ICT

Pursuant to Section 508 as amended, any component or portion of existing ICT that complies with an earlier standard issued pursuant to Section 508, as amended (and republished in Appendix D), and that has not been altered on or after January 18, 2018, shall not be required to be modified to conform to the Revised 508 Standards.

B. Undue Burden or Fundamental Alteration

Where a State Entity determines that conformance to requirements in the Revised 508 Standards would impose an undue burden or would result in a fundamental alteration in the nature of the ICT, conformance shall be required only to the extent that it does not impose an undue burden or result in a fundamental alteration in the nature of the ICT. Nothing in this policy alters a State Entity's independent authority and responsibility to determine what constitutes an undue burden or fundamental alteration.

The State Entity, in determining whether conformance to requirements in the Revised 508 Standards would impose an undue burden, shall consider the extent to which conformance would impose significant difficulty or expense considering the State Entity resources available to the program or component for which the ICT is to be procured, developed, maintained, or used.

The responsible State Entity official shall document in writing the basis for determining that conformance to requirements in the Revised 508 Standards constitutes an undue burden on the State Entity or would result in a fundamental alteration in the nature of the ICT. The documentation shall include an explanation of why and to what extent compliance with applicable requirements would create an undue burden or result in a fundamental alteration in the nature of the ICT.

Where conformance to one or more requirements in the Revised 508 Standards imposes an undue burden or a fundamental alteration in the nature of the ICT, the State Entity shall provide individuals with disabilities access to and use of information and data by an alternative means that meets identified needs.

ITS may request to review any determinations of exemption from this policy. Such review may include, but is not limited to, review of the technical and business analyses, and other project documentation, technologies or systems which are the subject of this policy or any applicable standards.

Agency Counsel's Office, Agency Accessibility Coordinator, and ITS Division of Legal Affairs must together complete an assessment of any litigation risk associated with the proposed exemption. On completion of the litigation risk assessment, the State Entity must document that it is responsible for and accepts the risk of non-compliance with Revised Section 508. The State Entity's Counsel's Office must maintain a copy of the exemption for the life of the ICT or until the application is rendered compliant.

5.0 Compliance

This policy shall take effect upon publication. Compliance is expected with all enterprise policies and standards. ITS may amend its policies and standards at any time; compliance with amended policies and standards is expected.

6.0 Definitions of Key Terms

Except for terms defined in this policy, all terms shall have the meanings found in <http://www.its.ny.gov/glossary>.

Term	Definition
Fundamental Alteration	Shall have the same meaning as set forth in 36 C.F.R. Appendix A to Part 1194, a change in the fundamental characteristic of the product, not merely a cosmetic or esthetic change.
Information Communication Technology	Shall have the same meaning as set forth in 36 C.F.R. Appendix A to Part 1194, information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content.
Information Technology	Shall have the same meaning as set forth in 40 U.S.C. § 11101(6): (A) any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by a State Entity, if the equipment is used by the State Entity directly or is used by a contractor under a contract with the State Entity that requires the use (i) of that equipment; or (ii) of that equipment to a significant extent in the performance of a service or the furnishing of a product; (B) includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but (C) does not include any equipment acquired by a State contractor incidental to a State contract.

Term	Definition
Undue Burden	Shall mean significant difficulty or expense. In determining whether an action would result in an undue burden, State Entities must consider all resources available for use in the funding and operation of the service, program, or activity.

7.0 Contact Information

Submit all inquiries and requests for future enhancements to the policy owner at:

WebNY Enterprise Platform Service Bureau
Reference: NYS-P08-005
NYS Office of Information Technology Services
State Capitol, ESP, P.O. Box 2062
Albany, NY 12220
Telephone: 518-457-3300
Email: webnysupport@its.ny.gov

Statewide technology policies, standards, and guidelines may be found at the following website: <http://www.its.ny.gov/tables/technologypolicyindex>

8.0 Revision History

This policy shall be reviewed at least once every two years to ensure relevancy.

Date	Description of Change	Reviewer
06/21/2004	Original Policy Release.	CIO/OFT
10/25/2006	Revised to add procurement language and to make minor changes to the standards.	CIO/OFT
08/01/2008	Revised to update the standards and eliminate any exceptions to the policy.	CIO/OFT
01/14/2009	NYS P08-005, NYS S08-005, and G06-001 Best Practice Guidelines are combined as one document numbered NYS P08-005.	CIO/OFT
01/27/2010	Made conforming changes to align with Webcasting Open Meetings Standard, NYS-S07-001; eliminated compliance schedule in A.11.1; A.11.2 and A.11.3. Compliance schedule has passed. Made similar conforming changes to Best Practice Guideline.	CIO/OFT
05/17/2010	Revised to replace customized NYS standard and instead to align with federal standards	CIO/OFT

Date	Description of Change	Reviewer
	Section 508, Subpart B, section 1194.22 and Subpart C, section 1194.31.	
9/10/2010	Revised to reflect change in reporting date from March 31 to December 31 of each year.	CIO/OFT
10/17/2011	Revision to Section 5.0.	CIO/OFT
09/12/2012	Reformatted and updated to reflect current CIO, agency name, logo and style.	ITS
03/26/2019	Scheduled review. Updated template scope authority	WebNY Enterprise Platform Service Bureau
07/17/2019	On page 3 in “Ensuring Compliance”, first bullet. Changed the word “biannually” to “biennial”	WebNY Enterprise Platform Service Bureau
05/25/2021	Updated Scope language	Chief Technology Office

9.0 Related Documents

[NYS-S07-001 Webcasting Open Meetings Standard](#)

State	Has Web Site Policy?	Based on...
New York	Yes	Section 508
North Carolina	No	
North Dakota	No	
Ohio	Yes	Section 508
Oklahoma	Yes ¹	Section 508
Oregon	No	
Pennsylvania	Yes	Section 508
Rhode Island	No	
South Carolina	Yes	Section 508, WCAG 1.0
South Dakota	Yes	Section 508, W3C Web Content Guidelines
Tennessee	Yes	Section 508
Texas	Yes	Section 508
Utah	Yes	WCAG 1.0
Vermont	Yes	Section 508, W3C Web Content Guidelines
Virginia	Yes	Section 508
Washington	No	Encouraged to meet Section 508, W3C
West Virginia	Yes	Section 508
Wisconsin	Yes	Section 508
Wyoming	No	

https://en.wikipedia.org/wiki/US_state_laws_and_policies_for_ICT_accessibility#cite_note-5

Testimony of Katie Keim before the HHH/HET committees
Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022
February 17, 2022, 11:00 AM, hearing on HB1419

Good morning chairs, vice chairs, and members. My name is Katie Keim, a blind business woman and member of the National Federation of the Blind of Hawaii in strong support of HB1419.

Each time a state agencies' electronic digital application gets designed or updated, new barriers arise. The technology is there yet not implemented within the design of the online application. It is our intent to pass HB1419 which is a step in the right direction for those of us with disabilities by establishing standards ensuring the implementation of our needed access.

A top priority for working age adults with disabilities is to engage fully in employment we are qualified for, including applying for state agency positions. Imagine seeking employment which due to the requirements of the state agency is to apply on line, yet you cannot simply because you cannot fill out or file the forms due to the lack of accessibility of the online process? And if you made it past the submittal of your application to an interview, yet what would you do if you couldn't get past the barriers on a digital interview platform? Just because the format was not accessible due to your disability? One more job opportunity lost even though there is existing technology that would enable an individual to participate. Far too often this is the case.

The importance of passing this bill to those of us with disabilities, is critical to our equality and full participation in our community. Mahalo nui loa for your consideration and support in passing this bill.

Testimony of Hoku Burrows before the HHH/HET committees
Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022
February 17, 2022, 11:00 AM, hearing on HB1419

Good morning chairs, vice chairs, and members. My name is Hoku Burrows, a blind woman and member of the National Federation of the Blind of Hawaii in strong support of HB1419.

I stand in support of the testimony submitted by James Gashel, Legislative Director for the NFB of Hawaii.

Mahalo nui loa for your support in passing this important bill.

Testimony of Virgil Stinnett before the HHH/HET committees
Hawaii State House of Representatives Thirty-First Legislature, Regular Session of 2022
February 17, 2022, 11:00 AM, hearing on HB1419

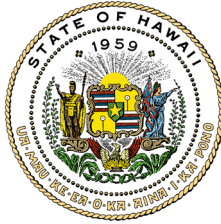
Good morning chairs, vice chairs, and members. My name is Virgil Stinnett, a blind entrepreneur and elected president of the National Federation of the Blind of Hawaii in strong support of HB1419.

I stand in support of the testimony submitted by James Gashel, Legislative Director for the NFB of Hawaii.

Mahalo and Aloha for your support in passing this important bill for our equality and access to critical participation of electronic information.

DAVID Y. IGE
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH



CAROLINE CADIRAO
DIRECTOR

Telephone
(808) 586-0100

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STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

**Testimony in SUPPORT of HB 1419
Relating to Electronic Information Technology Accessibility**

COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS
REPRESENTATIVE RYAN I. YAMANE, CHAIR
REPRESENTATIVE ADRIAN K. TAM, VICE CHAIR

COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY
REPRESENTATIVE GREGG TAKAYAMA, CHAIR
REPRESENTATIVE LINDA CLARK, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: February 17, 2022
11:00 a.m.

Room Number: 329
Via Videoconference

1 **EOA’s Position:** The Executive Office on Aging (EOA), an attached agency to the Department
2 of Health, supports HB 1419, Relating to Electronic Information Technology Accessibility.

3 **Fiscal Implications:** There are no fiscal implications.

4 **Purpose and Justification:** This measure requires that all electronic information technology
5 developed, purchased, used, or provided by a state entity be made accessible to persons with
6 disabilities. In addition, the Office of Enterprise Technology Services, in consultation with the
7 Disability and Communication Access Board and a working group of stakeholders are required
8 to develop, publish, and update electronic information technology accessibility standards to be
9 implements by all state entities.

1 Mr. Philip Ana is the Long-Term Care Disability Specialist in the Executive Office on Aging.
2 He is also a blind user of assistive technology and relies on several pieces of assistive technology
3 to do his work. His laptop is equipped with a Jaws for windows screen reading program
4 allowing him to read information in email. He is also able to access the internet by entering the
5 link to the Legislature and downloading the bill to be read through Jaws or embossed in braille
6 for him to read. He laughed when he thought about what would happen if the Legislative
7 website was not accessible for him to use with his technology?

8 He shares this example with you because technology is equally as important as accessibility. His
9 previous laptop did not have enough resources to support the new operating system along with
10 the assistive technology.

11 A few years ago, when EOA upgraded from Windows 7 to Windows 10 the Jaws screen reading
12 software needed to be upgraded as well. The embosser that he used also needed a software
13 upgrade. Island Skills, a technology business specializing in blind technology assisted him in
14 making the necessary changes. They submitted a proposal to EOA for all the equipment and
15 software upgrades needed including training on the devices. Included in this package was the
16 Kurtzweil Scanning and Reading technology and the Braille Touch note taker device.

17 Mr. Ana supports the Enterprise Technology Services, in consultation with the Disability and
18 Communication Access Board, and a working group comprising stakeholders to develop and
19 publish information Technology accessibility standards to be implemented by all state entities.

20 **Recommendation:** EOA supports this measure.

21 Thank you for the opportunity to testify.